



## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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### 1. NOTES ON THE CURRENT SITUATION

#### IMPUNITY

##### **State obligations to comply with the resolutions of the Interamerican Court of Human Rights**

Guatemala, 03.02.11 (LH). The National Commission to Carry out and Support the Strengthening of Justice has called for the Constitutional Court (CC) and the Supreme Court of Justice (CSJ) to comply with the Interamerican Court of Human Rights (CoIDH) resolution that instructs the Guatemalan state to investigate crimes against humanity committed during the internal armed conflict, such as the disappearance of Bámaca Velásquez and the massacre of the Dos Erres community. Furthermore, it points to the Guatemalan army as being responsible for hindering the advance of investigations by exercising pressure on the responsible judicial institutions to stop them engaging with the cases.

##### **Once again the Constitutional Court suspends the reopening of the Bámaca case**

Guatemala, 13.02.2011 (EP). The Constitutional Court (CC) has once again suspended the re-opening of the investigations into the forced disappearance of the ex-guerrilla Efraín Bámaca Velásquez in 1992, also known under the alias “Commander Everardo”. This decision was taken by the CC in response to an appeal to constitutional protection presented by the colonel Julio Alberto Alpírez, in which he argued that his right to a defence was being violated since it overturned a decision in his favour (a stay of proceedings over investigations).

On the 18th of January the Penal Chamber of the Supreme Court of Justice (CSJ) had resolved to reopen the investigations. In their most recent decision on the 18th of November the CoIDH, declared that “it concerns the perpetration of severe and systematic human rights violations and there could still be impunity for these acts given the lack of investigation”. The report also concludes that “no elements had been brought forward that justify the case to be closed” and therefore a reopening of the investigations was ordered. Furthermore, as the CoIDH points out, the Guatemalan state has the obligation to comply with international conventions. By 30<sup>th</sup> of March the Guatemalan state should present a detailed and up to date report in which it demonstrates its progress in complying with these instructions

#### LAND

##### **Agrarian Conflict in the Polochic Valey, Alta Verapaz**

Guatemala, 18.02.2011 (EP). Since August 2010 18 estates belonging to the sugar cane company Chabil Utzaj S.A. or Ingenio Guadalupe in the Polochic Valley in Alta Verapaz have remained occupied. The company had emerged in 2005 after the transfer of the sugar refinery Guadalupe from Escuintla to Alta Verapaz, thanks to a US\$20 million financing granted by the Central American Bank for Economic Integration (BCIE).

The decision to occupy the estates was taken after it was announced that the properties were to be auctioned and sold for a minimum price of US\$30.2 million. The Industrial Bank (BI) acts as the trustee of Chabil Utzaj, the registered owner of the 37 estates.

In order to resolve the land-occupations, the Polochic Round Table Talks were taken up, with representatives from the Secretary for Agricultural Affairs (SAA) and the occupying parties who were members of the Committee for Campesino Unity (CUC), from the National Indigenous and Campesino Coordination (CONIC) and the Verapaz Union of Campesino Organisations (UVOC).

According to the CUC lawyer Sergio Beltetón, the case is about “ancestral rights that have been violated by national and

international companies. In Alta Verapaz there are no land registers or registering systems that prove and demonstrate the existence or not of the private property which is disputed". For his part, Walter Widmann, legal representative and administrator for the La Cañera company stated that they had offered the option to buy the land to the occupying parties at a symbolic price on the 7th of February. But Antonio Rodríguez López, sub secretary for Conflict Resolution of the SAA, asserted that "wealth in the hands of the few" is to be seen as the underlying cause of this conflict.

#### **Social sectors condemn the killings of leaders from the Quebrada Seca community, Livingston (Izabal)**

Izabal, 15.02.2011 (AC). Diverse sectors of civil society from the department of Izabal have manifested their repudiation and condemnation for the murder of four members of the Quebrada Seca community in the municipality of Livingston. They also consider it as an act of intimidation for people working for local community development in the area. Sebastián Xuc Cac, Alberto Coc Caal and Catalina Mocu Maas had failed to return to the community after leaving via Rio Dulce for the extension of the university in the community of Sejá, Livingston municipality, on Saturday 12th February. Two days later, on the morning of the 14th their bodies and that of another resident, Amílcar Choc, were found floating dead in the Rio Dulce river between the localities of Cayo la Piedra and Rio Bonito, Livingston, Izabal. According to social organisations from Izabal, these crimes prove the high levels of conflict in land matters in the area and show the failure of the responsible institutions to attend the problem.

The departmental governor of Izabal, Byron Solares, emphasised that according to the information they had received about the crime, it seemed to be linked to a land conflict of the community with the land-owners of the area. Waldemar Barrera Trinidad, assistant for the Human Rights Prosecutor (PDH) in Izabal, condemned the act, reiterating that the victims had been active community members and that it was the duty of the authorities to investigate these crimes.

### **NEGATIVE EFFECTS OF GLOBALISATION**

#### **Huehuetenango: social actors and government authorities in dialogue over the importation of maize.**

Huehuetenango, 09.02.2011 (AC). Governmental authorities, community leaders and representatives of the Maize-producers Association of Huehuetenango began the eighth day of negotiations, aiming to resolve the conflict deriving from the scarcity of maize, the existing taxes on the importation of white maize from Mexico and the resulting blockade established by the campesinos on the Interamerican Highway leading towards the border-crossing of La Mesilla.

The president of the Community Development Councils (COCODES) of San Pedro Necta, Elder Martínez, pointed out the precarious situation of millions of inhabitants in various municipalities due to the scarcity of maize after control operations were increased by the Superintendent of Tax Administration (SAT). These operations were carried out with the support of the National Civil Police (PNC) and are aimed at stopping the smuggling of this product. Martínez added that they had tried to exercise pressure on the government authorities, the SAT and others in order to eliminate the Q25.00 tax per 100kg of maize, but that there had been no disposition on behalf of the authorities to respond to these demands from the population which is now suffering from the shortage and elevated prices of this grain. The Governor of Huehuetenango, Rudy Cardona, suggested the nomination of Luis Velásquez, from the Secretary for Specific Affairs (SAE), to become acquainted with the petitions and negotiate the social and community demands, in exchange for the campesinos to end their actions and instead begin a dialogue at the highest level

#### **MP Investigation on sabotage of the towers at the Xacbal hydroelectric plant (El Quiché) points to a former employee.**

Guatemala, 26.02.2011 (AC). Communities and indigenous mayors from the area of Ixil, northern Quiché department, expressed their satisfaction with the investigations undertaken by the State Prosecutors Office (MP) which, according to Miguel León, executive secretary of the mayors, pointed to a former employee of the company as being the probable perpetrator of sabotage to the towers of Xacbal hydroelectric company. He added that it absolves the population or some guerrilla group of these actions. According to local reports, the detonation of the towers took place at the end of November 2010 with the latest sabotage occurring on the 15th of February. The perpetrator identified himself as a member of the 19th Command of the Jungle Army and New Guerrilla Command. The minister for governance, Carlos Menocal, assured that investigations proved that no such groups existed. For his part, León expressed that as a consequence of the rumour of the presence of a guerrilla group, military troops were sent to communities in three municipalities: Chajul, Nebaj and Cotzal. These measures were rejected by the local population since it was seen to be reminiscent of the human rights violations that the army perpetrated in the region during the internal armed conflict. The MP announce on the 23rd that Amílcar Castolo Rodríguez, ex-mayoral candidate of Chajul and contractor for Xacbal hydroelectric in 2007 is assumed to be the mastermind behind the sabotage, specifying that he had been extorting the company for US\$1 million in exchange for not harming the infrastructure or the personnel.

### **OTHER**

#### **Governor of Petén asked the Executive to impose a state of exception**

Guatemala, 17.02.2011 (PL). Rudel Álvarez, governor of Petén, informed on the 16th of February that he had asked the Executive to impose a state of exception in the department aimed at countering the activities of organized crime after receiving requests for increased security from local mayors and civil society. According to Álvarez, the problems that are deeply affecting the Petén department are violence, extortion and drug trading in central areas as well as smuggling activities in Melchor de Mencos. Along with this, he also mentioned "invasions of protected areas".

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**Sources:** La Hora (LH), Prensa Libre (PL), El Periódico (EP) and Agencia Cerigua (AC).

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## 2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

**Team:** Lena Niehaus (Germany), Janieke Drent (Netherlands), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Netherlands), Anabella Estol (Argentina), Jorge Palomeque (Argentina), Engel Montuenga Peña (Spain/Colombia), Samuel Jones (United Kingdom), Guillaume Riboulleau (France), y Maïke Holderer (Germany).

### 2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI's efforts to make our objectives and the nature of our work known. Through these meetings, in cases where it is necessary, and with a reserved manner, we express our concerns about critical situations that we have come to know first-hand from the work we carry out across the country.

#### **International authorities and other international entities in Guatemala:**

- Steven Seeger, Officer for Labour Issues and Human Rights, Embassy of the United States of America, Guatemala City.
- Evelynne Coulombe, Guatemala and Belize political advisor, Embassy of Canada, Guatemala City.
- David McNaught, Acting Chief of Mission and Eduardo Smith, political officer, Embassy of the United Kingdom, Guatemala City.
- Jan Jaap van de Velde, Ambassador for the Netherlands, Guatemala City.
- Omar Gómez, Human Rights Officer, United Nations Office of the High Commissioner for Human Rights in Guatemala, (OACNUDH), Guatemala City
- Sean Carroll, responsible for Guatemala in the European External Action Service (SEAE) on his visit to the country. Guatemala City.
- Manuela Sessa, Officer for Human Right Programmes, Delegation from the European Union to Guatemala, Guatemala City.
- Delegation of German Members of Parliament from the Central American group of the German Parliament on visit to the country, Guatemala City.
- Thomas Schafer, Ambassador, German Embassy, Guatemala City.
- Martina Richard, Director of the German Development Service (DED), Guatemala City.
- Pilar Font i Serrano, representative for the Catalan Development Cooperation in Guatemala. Guatemala City.
- David Montesinos, responsible for the Programme of governability in the Spanish International Agency for Cooperation and Development (AECID) – Technical Office of Cooperation (OTC) in Guatemala. Guatemala City.

#### **Guatemalan authorities:**

- Jorge Barahona Jiménez, first officer, sub-police station of the National Civil Police (PNC). Guatemala City.

### 2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The team in the field meets periodically with civil society organisations to follow up on the situation of human rights defenders, to inform one another about the work being done, and to gather information that contributes to the processes of contextual analysis on specific issues in Guatemala.

#### **Guatemalan civil society:**

- Gustavo Meoño, Director of the National Police Historic Archives (AHPN). Guatemala City.
- Marco Antonio Canteo, Director of the Guatemalan Institute for Comparative Criminology (ICCPG). Guatemala City.
- Roberto Madriz, member of the National Front for Struggle (FNL). Guatemala City.

#### **Social Organizations and International Agencies:**

- Coordination of International Accompaniment in Guatemala (Acoguate) Guatemala City.
- Rubio Caballeros, coordinator of the Aid Office for Protestant Churches of Switzerland, Guatemala City
- Anabella Sibrián, Dutch Platform against Impunity in Guatemala, Guatemala City.
- Claudia López, coordinator of Canadian Lawyers Without Borders, Guatemala City.

### 2.3 ACCOMPANIMENT

#### **National Coordinator of Guatemalan Widows, CONAVIGUA**

In February we continued to accompany CONAVIGUA, visiting and holding regular meetings at their office in the capital. We are following up on the international activation of the PBI support network within and outside the country in October due to the increase of serious threats against defenders of human rights.

*Background: CONAVIGUA carries out exhumations and inhumations in different departments throughout Guatemala,*

above all in Quiché, Chimaltenango, and the Verapaces, as part of its work towards the recuperation of the collective memory of Guatemala's recent troubled history. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally culminating in threats aimed at stopping the work of the women of CONAVIGUA. Due to increasing requests from the communities in which CONAVIGUA works, the organisation has expanded its work offering legal and organisational advice to communities in the process of organising themselves. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process, as is Uspantán, where CONAVIGUA supported the preparation of a 'good faith' community consultation on extractive industry projects. We have periodically accompanied the association since August 2003 with visits to its office and during its members' journeys around the country. Since September 2010 we have intensified the accompaniment following grave death threats against its members, **Magdalena Sarat** and **Jorge Morales Toj**, in relation to their work assisting in the preparation of the community consultations for natural resource extraction projects in the municipalities of Uspantán (El Quiché) and Lanquín (Alta Verapaz). We also activated PBI Guatemala's Support Network internationally in October 2010 as a result of these threats.

### **Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS**

We have undertaken periodic visits to the OASIS office and had meetings with some of its members. We continue to be concerned for the safety of Zulma Robles.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention and promotes and protects the rights of gay, lesbian, bisexual and transgender people. On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. **Zulma Robles**, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP). Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of OASIS then continued to suffer harassment and threats for which, in February 2006 the Inter-American Commission of Human Rights (CIDH) ordered protection measures for thirteen members of the organisation, which were put into effect by the Guatemalan state three years later.*

*PBI started to accompany OASIS at the beginning of 2006. In January 2009 we intensified the accompaniment of its director, **Jorge López**, after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a criminal prosecution opened against him. Jorge López viewed the prosecution as a further manifestation of the constant persecution and intimidation he had suffered for years, which were aimed at impeding the organisation's work and discouraging respect for the human rights of sexual minority communities. On 29 September 2009, Jorge's case was dismissed by the Ninth Criminal Court of the First Instance, and Jorge López was absolved of all charges, after two court hearings at which the members of various European embassies participated as observers.*

### **Association for the Protection of Las Granadillas Mountain, APMG**

We have maintained dialogue with the diplomatic corps, expressing our concerns for the protection of APMG and the safety of its members. We have transferred information on the judicial hearing expected to take place on the 7th of March for which José Pilar Álvarez and some 7 other members of the APMG and the ILUGUA have been summoned. We have continued to monitor information on the awarding of another felling licence for the Las Granadillas mountain.

*Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the **La Trementina community**, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates.*

*We have accompanied APMG since August 2008. At the beginning of 2009, José Pilar Álvarez and two members of APMG faced legal accusations connected to their work protecting the mountain. The charges were dismissed in the first hearing before a judge. In May 2010, an internal report prepared by the National Civil Police (PNC) accused APMG members of planning illegal actions, such as blocking highways to impede the passage of vehicles transporting lumber from the Tachoró Estate, and mobilising the community of La Trementina to carry out a blockade. The APMG learned of the report and called a meeting with the governor, the PNC and the Environmental Protection Division (DIPRONA), to demonstrate the lack of evidence or truth in the accusations and request their retraction. Two days later, during a meeting with the same authorities, the PNC and DIPRONA agreed to carry out an investigation and to prepare a new report – which they subsequently did and in which the accusations were retracted.*

*In September 2010 a new conflict emerged between the population of La Trementina and the owner of the Tachoró Estate after a fence erected by the community to control the flow of heavy goods vehicles was destroyed. During this conflict José Pilar Álvarez was the target of death threats and defamatory statements in the local media, for which in October PBI Guatemala's International Support Network was activated.*

### **Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ**

This month we have been maintaining a presence at the AMISMAXAJ mountain office and have observed the activities of the association. We continue to be aware of highly vulnerable situation of the women that make up this association and who have expressed concern for their safety.

We accompanied one of their members, Lorena Cabnal, to a reception on human rights in the German Embassy, where a delegation of German MPs from the Central-America group of the German parliament were present. They had been visiting the country in February.

*Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region.*

*On 12 October during a demonstration commemorating the Day of Indigenous Peoples' Resistance in Jalapa, a man issued a death threat to AMISMAXAJ member **Lorena Cabnal**. Other members of the Association were also intimidated, adding to the growing number of security incidents that they have suffered over the last two months. For this reason, we included AMISMAXAJ in the international activation of PBI Guatemala's Support Network in October 2010.*

### **'New Day' Chortí Campesino Central Coordinator**

In February we continued to intensify our accompaniment of the organization, maintaining regular communication with its members who continue to be victims of intimidation. The organization sees these as obvious attempts to restrict their work.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in the municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with the communities in the area, creating spaces for the evaluation and analysis of the environmental effects and impact on local economies that this, and other development projects planned for the region, may have. Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a source of conflict. Several members of the association have been threatened and attacked due to their work with the communities. In September 2009, one of its members was the victim of a gun attack close to his community.*

*On 12 October 2010, a violent confrontation between demonstrators and police took place when Mayan Ch'orti' communities gathered in front of Jocotán town hall to demand talks with the mayor regarding the Technological Corridor Project. Following these events, a number of national and local media outlets (television, radio and print) carried statements from local authorities accusing Omar Jerónimo, member of New Day, and Carlos Hernández, member of the Camoteca Campesino Association, as well as representatives of the Catholic Church, of being involved in the incident.<sup>1</sup> Following this, **Omar Jerónimo** and **Edgar Hernández** received death threats and were intimidated by unidentified armed men. As well as intensifying our accompaniment to New Day, we also included the organisation in our international activation of PBI Guatemala's Support Network in October 2010.*

### **Camoteca Campesino Association**

We have informed the diplomatic corps on the judicial hearing for which two members of the association, Carlos Hernández and Santos Vásquez have been summoned on the 2nd of March. We are monitoring their obligation to sign the judicial registry that forms part of the measures ordered by the judge in November. The association's perceives these obligations as strongly hindering their work in the communities (view previous events). The association continues to emphasize the lack of information and consultation of local communities regarding the development projects in the area.

*Background: The Camoteca Campesino Association was founded in 1988 by health promoters and midwives of the municipality of Camotán, department of Chiquimula. At that time, the association was called the Committee for the Oversight and Defence of the Resources of the Municipality of Camotán. In 2002, it was renamed the Campesino Association of Camoteca Farmers. Currently, the Camoteca Campesino Organisation is an active member of the Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO). Its primary objective is to defend life and natural resources, to ultimately achieve wellbeing for human and natural life in the area in which they*

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<sup>1</sup> Agrarian Platform press release, 12.10.2010. COPISCO press release, 12 and 13 October 2010. National Resistance Front (FNL), "Tres campesinos muertos en Jocotán", 13.10.2010. Latin American Mining Conflict Observatory (OCMAL), "Agresiones y represión en contra del pueblo maya ch'orti'", 13.10.2010. Guatemalan and local press of 13.10.2010.

live. Today, it is made up of 718 associates who monitor compliance with laws and monitor human rights violations in the eastern region. They cooperate closely with the New Day' Chortí Campesino Central Coordinator, particularly in informing communities about land, agriculture, and environmental issues. When the association learned of construction plans for the three hydroelectric projects "El Orégano", "Caparja", and "El Puente" (see above in the Background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, all of which would affect several municipalities in the department, they began work of informing the communities about the effects of mega-projects on the environment and their economic situation.

After the violent events in Jocotán during a demonstration on 12 October 2010, several national state and local media outlets published statements by local authorities that linked Camoteca Campesino Association member Carlos Hernández to what had happened (see above, re. 'New Day' Chortí Campesino Central Coordinator). Mr Hernández also received death threats and was the target of intimidation by groups of armed men. In response, PBI Guatemala intensified our accompaniment of the association. We also included the organisation in the international activation of PBI Guatemala's Support Network in October 2010.

On November 15, **Carlos Hernández and Santos Vásquez**, were detained and accused of crimes against national security and participating in illegal meetings and demonstrations, after participating in a public gathering, which included more than 70 people opposed to the electrification plans and projects in the region, held more than six months earlier on 30 March 2010. It is of concern that the arrest warrant was issued on 13 October, one day after the events in Jocotán and that the media has linked their detention with that confrontation.

On 16 November, they had their first appearance before the judge, who upheld charges against them, set bail of 3,000 quetzals, and ordered house arrest without supervision as an alternative measure to incarceration. Unsupervised house arrest requires that both present themselves to the court every 15 days and limits their right to full participation in collaborative work. The Public Prosecutor's Office will investigate the charges during the next three months. The next court appearance is set for 2 March 2011.

### **Qamoló kí Aj Sanjuani - People of San Juan Unite**

We maintained an international presence in the communities of San Juan Sacatepéquez, specifically Las Trojes I and Las Trojes II, and observed a meeting. We have systematized and continued to follow up on new security incidents that have occurred in the communities and reports made by residents who participate in the association. In February they filed a charge against 17 employees of the Cementos Progreso Company, whom they accuse of intimidating three women in the community of Las Trojes II in January. We also collected information on the attempt to set fire to the vehicle of a resident of this same community. Herber José Pirir Raxón had participated in filing this case with the local authorities. On the 19<sup>th</sup> of February we observed a judicial hearing against Faustino Camey and two other people who in 2008 had been accused of illegal detention, incitement to commit a criminal offence and murder and who since have been under a complying with provisional measure of freedom deprivation.

The association is concerned over the felling licence that has been granted to the National Forestry Institute (INAB) to the owner of the private estate San Juan Ocaña.

On the 27<sup>th</sup> of February we were alerted about an attack with firearms and other weapons in which two residents of the Pilar I community were wounded. They were hospitalized after one resident had received a strong blow to his throat from a rifle, while the other had been injured on his right lung by a punch. We went to the community to show international presence, and once again, the people we met voiced their concern over the conflict with the workers of the cement plant and the vulnerable situation they face on a daily basis as a result of living in the same communities. We accompanied them to file a charge on these events with the institutions responsible.

*Background: Qamoló kí Aj Sanjuani-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, that participate in the struggle to defend territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on 'project San Juan', which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio Las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim.*

*On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.<sup>2</sup> PBI has accompanied Q'amoló Kí Aj Sanjuani since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.*

### **Cunén Communities Council**

In February we maintained periodic communication with members of the Council of Cunén Communities, who have informed us that

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<sup>2</sup> You can find further information in the PBI Special Report published in 2010, at the following link:

[http://www.pbi-guatemala.org/fileadmin/user\\_files/projects/queatemala/files/english/Mujeres\\_Completo\\_ING.pdf](http://www.pbi-guatemala.org/fileadmin/user_files/projects/queatemala/files/english/Mujeres_Completo_ING.pdf)

they are involved in roundtable talks with the National Electrification Institute (INDE) and with the union company FENOSA-Distribución Eléctrica del Occidente, S.A. (DEOCSA), in order to resolve problems relating to the supply and distribution of electricity in the municipality of Cunén. Our presence in El Quiché permits us to continue paying attention to what is happening in the area, keeping informed about the situation and the developments in processes for the defence of land, territory and natural resources, and to be prepared when requests for international accompaniment are issued by social actors in the area.

*Background: The Council was established at the first communities' assembly in San Siguán. It is made up of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010.*

#### **Human Rights Defenders Protection Unit, UDEFEGUA**

In February we regularly visited the UDEFEGUA office in Guatemala City and held meetings with members of the organisation.

*Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and help protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community.*

*For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during a period of threats. We recommenced our accompaniment following further threats received during May 2009, which the Unit denounced to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution" of the organisation.<sup>3</sup> We intensified the accompaniment again in March 2010 following break-ins to the home and vehicle respectively of **Erenia Vanegas** and **Claudia Samayoa**, increasing our visits to UDEFEGUA's office, carrying out periodic meetings with its staff and accompanying them during their movements to the interior of the country during their investigation and verification of reports of attacks against human rights defenders.*

#### **Verapaz Union of Campesino Organisations, UVOC**

We have maintained our presence in Santa Cruz, Alta Verapaz where we accompanied Carlos Morales to a preparatory meeting of the roundtable talks on land conflicts. We also observed the monthly roundtable talks as well as a meetings in INAB.

We have maintained constant communication with UVOC in order to stay informed about the situation during the state of siege in Alta Verapaz which had been declared on the 19th of December 2010 and terminated on the 17th of February 2011.

*Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz and that works principally to defend and promote access to land for the campesino population, as well as advising communities about the legalisation of their lands. UVOC also offers training and support to member communities in the management of development projects. We have accompanied Carlos Morales, leader of the UVOC, since May 2005 because he has been the victim of death threats, intimidation, and persecution by unidentified individuals. We also continue to observe the delicate situation of communities that are part of the organisation that are struggling for access to land.*

#### **Human Rights lawyer Edgar Pérez Archila**

In February we regularly visited the office of lawyer Pérez Archila and held meetings with other members of his working colleagues.

On the 17th of February we accompanied Edgar Pérez to a hearing at the Supreme Court of Justice (CSJ) in the case of a forced disappearance in Choatalum (Chimaltenango) which occurred during the internal armed conflict. It is the last part of the process in which Felipe Cusanero Coj was sentenced, the first guilty verdict for forced disappearance made by a Guatemalan tribunal.

We observed the press conference called by Jennifer Harbury, who is being represented by Edgar Pérez and supported by organizations of the Convergence for Human Rights in Guatemala and other international organizations present in the country (see section 2.5, Observations).

*Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. He works on legal proceedings relating to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We have specifically accompanied him during his work on criminal prosecutions relating to the following: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the community Las Dos Erres in*

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<sup>3</sup> Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, *Carta al Presidente Álvaro Colom*, 8 May 2009.

1982; the massacre of the community of Río Negro in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.

## 2.4 FOLLOW UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats they receive and to open up a more secure space within which they can carry out their work. Once the level of risk, the threats, and security incidents suffered by the accompanied organisations and individuals have diminished, we continue the accompaniment in the “follow up” phase. This means that we reduce the physical accompaniment but continue to maintain contact with them through visits and/or phone calls to their workplaces and offices. At the same time, we remain available to respond should they have specific requests for international presence.

At present, we provide our follow-up accompaniment to these social organisations:

### **The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta, CRP.**

We have continued communication in order to follow up on the investigations regarding a hydroelectric plant.

We continue to pay attention to the conflict over the supply and distribution of electric energy in various municipalities of San Marcos, by maintaining communication with a member of the CRP.

*Background: The CRP, founded in 2007 in the Municipality of San Rafael Pie de la Cuesta (San Marcos), focuses on the investigation and reporting about a particular hydroelectric project, whose proposed construction in early 2008 was announced by the mayor in September 2007. The project was based on another earlier one that had not been realised, and about which the municipality's population had not been informed.*

*We began accompanying members of the CRP in December 2007, when some of them were attacked and interrogated by police officers during a meeting after which several members received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow-up phase since November 2008.*

## 2.5 OBSERVATION

PBI in Guatemala provides international observation of those public events in which Guatemalan social organisations require it in order to demonstrate international attention and interest and to be able to communicate outside the country what we observe.

On the 16th of February we observed a meeting in Uspantán of 15 relatives of people who had disappeared during the internal armed conflict in different areas of the country. It was organized by the National Community Council for the Comprehensive Development of Guatemala (CONCODIG).

On the 21st of February we observed a meeting in San Rafael de las Flores, Santa Rosa, where information was shared about a silver mine. Community activists from the area are worried because the company, Goldcorp, has begun to build tunnels despite only having an exploration licence.

On the 22nd of February we observed a press conference called by Jennifer Harbury- represented by Edgar Pérez before Guatemalan justice- and supported by the organizations that made up Convergence for Human Rights in Guatemala and other international organizations in the country. Harbury started her declaration by stating “for more than a year I have kept my silence with respect to the evidence on the case of torture and forced disappearance of my husband, Efraín Bámaca Velásquez, also known as Commander Everardo from the National Guatemalan Revolutionary Unit (URNG)”. She confirmed that “the military personnel implicated in the Guatemalan genocide still have tribunals under their control and they are not going to allow any legal process against them...”. She based her statement on the evidence of the case which comes from testimonies, official Guatemalan documents and archives from the US Central Intelligence Agency (CIA) and others. One of the conclusions of the declaration was that Bámaca “was captured while alive and subject to clandestine detention and severe torture. In order to avoid international protests about their human rights abuses, the army launched an international cover-up”. Jointly with this, Jennifer Harbury maintained that in March 1995 “an American congressman from the intelligence agency publicly declared that Everardo was killed following orders from Colonel Julio Roberto Alpírez. He also disclosed that the CIA maintained a network of paid informants within the Guatemalan army and that Alpírez was one of these” ([www.casobamaca.org](http://www.casobamaca.org)).

On the 23rd of February we observed presentation by government officials concerning a proposal to regulate the framework of legal consultation as forseen by the 169th Convention of the International Labour Organization (OIT).

## 3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the



international presence provided by PBI in Guatemala.

On the 10th of February, prior to his visit to Central America the European Representative of the project met with Sean Carroll, who is responsible for Guatemala in the European Union External Action Service (SEAE).

At the end of February the whole PBI Guatemala team met in the capital for a week in order to complete a joint analysis, evaluation and work planning exercise. Volunteers, members of the committee and the coordinating office took part in this exercise. Taking advantage of their presence in the country, they joined for various meetings with Guatemalan social activists and members of the international Guatemalan community (see sections 2.1 and 2.2, meetings).

#### 4. NON-GOVERNMENTAL ORGANISATIONS

In this section we publish several communiqués (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

##### **Carta abierta de las comunidades de Cotzal a la comunidad nacional e internacional, a los señores embajadores presentes en nuestro país, al señor embajador de Italia, al pueblo italiano,**

Las comunidades de San Juan Cotzal dan a conocer su posición en relación a la presencia de la hidroeléctrica Palo Viejo 1 y Palo Viejo 2, de la empresa Enel:

1. Las comunidades de San Juan Cotzal fuimos afectados seriamente por las políticas del estado de la tierra arrasada, las cuales no han sido curadas, hoy después de 14 años de la firma de los acuerdos de paz, nosotros los pueblos indígenas nuevamente han sido violentados nuestros derechos, el estado sin consultar a los pueblos indígenas como lo establece el Convenio 169 de la OIT, la Declaración de Naciones Unidas sobre los derechos de los pueblos indígenas, ratificadas por el estado de Guatemala. Las empresas transnacionales se han instalado en nuestro territorio sin consulta y sin nuestro consentimiento, la empresa Enel después de dos años de presencia en nuestro territorio ha violentado nuestros derechos como comunidades indígenas.
2. Con base a nuestros derechos consignados en la Constitución política de la república de Guatemala y los convenios internacionales, las comunidades de Cotzal con base al artículo 45 de la constitución política de la república de Guatemala el tres de enero haciendo uso de este derecho decidimos ir a la resistencia pacífica como una manera de que la empresa Enel no siga engañando a nuestras comunidades, que Enel asuma su responsabilidad de resarcir los daños que ha causado el proyecto hidroeléctrico palo viejo en territorio Cotzal, al usurpar nuestro territorio, nuestros ríos, nuestras montañas, nuestros bosques, nuestra forma de vivir como comunidades, tiene la obligación de escuchar al pueblo que son los dueños legítimos del territorio.
3. Ante ello se ha llevado a cabo tres reuniones de entendimiento con Enel, realizadas los días, 03, 17 y 31 de enero del 2011, en la cual vimos una falta de voluntad de parte de la empresa Enel para atender las demandas legítimas de los legítimos dueños de estas montañas, ríos y bosques. En el caso del gobierno actual de Guatemala, aprovechándose de las necesidades de pobreza y extrema pobreza de nuestras comunidades vino a ofrecer proyectos como una manera de desviar la atención, defendiendo a Enel con quien hizo negocios sin informar ni consultar a las comunidades. Viene ahora el gobierno a ofrecer estudios y resultados en 15 días, cuando por cientos de años el estado de Guatemala ha dejado en abandono a nuestras comunidades. si exigimos a Enel es porque el estado y el gobierno de Guatemala no cumple con sus obligaciones pero vende nuestros recursos naturales. es otra violación de nuestros derechos que heredamos de nuestros ancestros mayas. nosotros exigimos nuestros derechos sobre las montañas, los ríos y los bosques que son los que dan vida a nuestras comunidades indígenas, a nuestras hijas e hijos, a las futuras generaciones, es lo que estamos exigiendo a Enel y el gobierno debe respetar nuestros derechos legítimos.
4. Las comunidades de san Juan Cotzal dieron la oportunidad a la empresa a un entendimiento, pero ante la falta de voluntad de la empresa Enel a un dialogo de buena fe, nuevamente las comunidades retoman el derecho de resistencia pacífica en el territorio concentrados a partir de esta fecha en la comunidad de san Felipe Chenla.
5. Pedimos al gobierno de la república de Guatemala actuar en defensa de nuestros derechos como lo manda la constitución política y no actuar solo para el interés de los grandes empresarios que vienen a apropiarse de los recursos naturales de nuestros territorios indígenas. las instituciones de gobierno deben velar por el cumplimiento de los derechos de los pueblos indígenas.
6. Pedimos al gobierno de Guatemala no enviar soldados ni destacamentos militares en nuestros territorios porque son ellos quienes causaron masacres y tierra arrasada durante el conflicto armado, lo que necesitan nuestras comunidades es el respeto a su vida, a su dignidad, a sus derechos. no mas ejercito, no más violencia y terror del ejercito en el territorio ixil, no queremos estado de sitio, solo pedimos que respete nuestros derechos.
7. Desde ya responsabilizamos la empresa Enel, la municipalidad de san Juan Cotzal y al estado de Guatemala de cualquier atentado que pueda sufrir nuestros líderes, autoridades comunitarias y población en general , con base a denuncias públicas de amenazas que ha sufrido la comunidad de buenos aires.
8. A la comunidad internacional le pedimos su apoyo, solo estamos pidiendo respeto a nuestra vida, a la dignidad de nuestros hijos y el respeto de nuestros derechos sobre los recursos de nuestros territorios. les pedimos estar alerta pues por pedir el respeto de nuestros derechos podemos ser víctimas de represión, secuestro, persecución como ha ocurrido

en otras regiones del país.

San Juan Cotzal, Quiché, Guatemala, 31 de enero de 2011.

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